

REMARKS

The Official Action mailed March 19, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant appreciates Examiner Tran's time in conducting a telephonic conference on or about March 23, 2009, during which the Examiner confirmed that the Official Action mailed March 19, 2009, is non-final, which is consistent with the status shown in the Patent Application Information Retrieval (PAIR) system. As such, for the record, in the Office Action Summary, it is noted that Box 2b ("non-final") should have been checked instead of Box 2a ("FINAL"). Therefore, the present *Amendment* should be entered as a matter of course.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 12, 2004; September 22, 2004; August 22, 2007; and March 3, 2008.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 8-14 and 22-35 were pending in the present application prior to the above amendment. Claims 8-13, 22-27 and 29-34 have been amended to better recite the features of the present invention, and new claims 43-69 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 8-14, 22-35 and 43-69 are now pending in the present application, of which claims 8, 22, 29, 46, 54 and 62 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 8-14 and 22-35 as obvious based on the combination of Figures 2-5 which the Official Action refers to as "Admitted Prior Art (APA)" and U.S. Patent No. 5,650,834 to Nakagawa. The Applicant

respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 8, 22 and 29 have been amended to recite an operational amplifier formed over an insulating substrate and comprising a thin film element, the operational amplifier including an input terminal and an output terminal; a first thin film resistor formed over the insulating substrate, a first terminal of the first thin film resistor being electrically connected to the input terminal of the operational amplifier, and a second terminal of the first thin film resistor being electrically connected to the output terminal of the operational amplifier; a second thin film resistor formed over the insulating substrate, a first terminal of the second thin film resistor being electrically connected to the input terminal of the operational amplifier and the first terminal of the first thin film resistor; and a chip

capacitor chip capacitor being electrically connected to the second terminal of the second thin film resistor. New independent claims 46, 54 and 62 recite similar features.

The present invention relates to an audio signal processing circuit and a display device comprising the audio signal processing circuit. As explained in the background section of the specification, if a chip capacitor and a chip resistor are used for an audio signal processing circuit to make the device small, a low pass filter is undesirably created. Such a low pass filter deteriorates a frequency characteristic of the audio signal processing circuit and hence should be avoided or minimized. (Please see paragraphs [0014]-[0016] of the present specification.) In accordance with the present invention, while a chip capacitor is used in order to make the device small, a thin film resistor (not a chip resistor) is formed over a same insulating substrate as an operational amplifier comprising a thin film element. By doing so, the above-mentioned problem regarding the low pass filter can be avoided. The Applicant has amended the claims to clearly recite these features. For the reasons provided below, the Applicant respectfully submits that APA and Nakagawa, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action asserts that "APA teaches an audio signal processing circuit ... comprising ... a chip capacitor ... (PCB 311, Fig. 3)" (page 3, Paper No. 20090303). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

Neither the Applicant nor the APA admits, teaches or suggest that a chip capacitor is used in the conventional display device shown in Figure 3. The Official Action also asserts that "APA teaches ... [a] chip capacitor on flexible printed circuit (APA, page 3, lines 9-13)" (Id.). However, page 3, lines 9-13, of the present specification discloses the following: "... on which an audio signal processing circuit 210 and a coupling capacitor 211 are mounted. The cone speaker 207 is not suitable for reduction in size and weight of portable information equipment due to its large size." The type of capacitor is not taught or suggested in the above quoted portion or the present specification. Even though chip capacitors may have been known, this is not

sufficient to anticipate or render obvious the present invention, which is directed to a chip capacitor and a thin film resistor in the particular electrical circuit recited in the presently amended claims. The Applicant respectfully submits that APA and Nakagawa, either alone or in combination, do not teach or suggest the above-referenced features of the amended independent claims.

Since APA and Nakagawa do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained.

Furthermore, Nakagawa is directed to an entirely different field of endeavor from the present application and APA. Specifically, Nakagawa is not relevant to an audio processing circuit.

MPEP § 2141.01(a) states the following:

The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).


Nakagawa is not in the field of the Applicant's endeavor, is not reasonably pertinent to the particular problem with which the inventor is concerned, and would not have logically commended itself to an inventor's attention in considering problems that may have been present at the time of the present invention in the field of audio processing circuits. Therefore, the Applicant respectfully submits that Nakagawa should not be relied upon as a basis for rejection of the Applicant's invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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